

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
CLARKSBURG DIVISION

STEVEN BROWN, et al.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:22-cv-00080
)	
THE BUREAU OF ALCOHOL, TOBACCO,)	
FIREARMS, AND EXPLOSIVES, et al.,)	
)	
Defendants.)	
_____)	

DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' FIRST AMENDED COMPLAINT

Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6), the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF); Steven Dettelbach, in his official capacity as the Director of ATF; and Merrick Garland, in his official capacity as Attorney General of the United States (hereinafter Defendants) respectfully move this Court to dismiss Plaintiffs' First Amended Complaint for lack of subject matter jurisdiction and for failure to state a claim on which relief can be granted. In accordance with the Court's Local Rules, this motion is accompanied by a memorandum in support of the motion and citations of the authorities on which Defendants rely.

Dated: December 12, 2022

Respectfully submitted,

WILLIAM IHLENFELD
UNITED STATES ATTORNEY

By: /s/ Maximillian F. Nogay
Maximillian F. Nogay
W. Va. Bar # 13445
United States Attorney's Office
P.O. Box. 591
1125 Chapline Street, Suite 3000
Wheeling, WV 26003

(304) 234-0100 (office)
(304) 234-0110 (facsimile)
Max.Nogay@usdoj.gov

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

LESLEY FARBY
Assistant Branch Director

MICHAEL P. CLENDENEN
(D.C. Bar No. 1660091)
Trial Attorney
DANIEL RIESS
Senior Counsel
U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, NW
Washington, D.C. 20005
Tel: (202) 305-0693
Fax: (202) 616-8460
michael.p.cledenene@usdoj.gov

Attorneys for Defendants